



CFN 2016R0201953
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HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. 2016-8

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A VARIANCE FROM THE DOCK AND MOORING PILE REQUIREMENTS PROVIDED IN SECTION 30-100(F)(4) OF THE VILLAGE CODE OF ORDINANCES ON THE PROPERTY LOCATED AT 120 CAPE FLORIDA DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Gerda Guggenheim (the “Applicant”) is the owner of 120 Cape Florida Drive, Key Biscayne, Florida (the “Property”); and

WHEREAS, pursuant to Section 30-63 of the Village Code of Ordinances (the “Village Code”), the Applicant has submitted a Planning and Zoning Application, bearing Public Hearing # RV-36, seeking to vary the dock and mooring pile requirements of Section 30-100(f)(4) of the Village Code (the “Variance”); and

WHEREAS, after proper public notice, the Village Council conducted a public hearing and considered all testimony and other evidence presented and otherwise made part of the record.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. The recitals set forth above are hereby adopted and confirmed.

Section 2. Findings. The Village Council finds that the Applicant has met all of the requirements in Section 30-63 of the Village Code. Specifically, the Village Council finds that the Variance will: (a) result in conditions that maintain and are consistent in all material respects with the intent and purpose of the Village Code, and that the general welfare, stability and appearance of the community will be protected and maintained; and (b) be compatible with the surrounding land uses, and otherwise consistent with the Village Code and the Comprehensive Plan, and will not be

detrimental to the community.

Section 3. **Approval of Variance.** The Village Council hereby approves the Applicant's request to vary the provisions of Section 30-100(f)(4) of the Village Code to permit: (a) a dock to project 18 feet, 8 inches from the bulkhead of the Property; and (b) two (2) mooring piles to project 38 feet, 8 inches from the bulkhead of the Property.

Section 4. **Recording.** This Resolution shall be recorded, prior to the issuance of a building permit, by the Applicant at its expense in the public records of Miami-Dade County. A copy of the proof of recordation shall be submitted to the Building, Zoning and Planning Department prior to the issuance of any building permits.

Section 5. **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 23 day of February, 2016.


MAYOR MAYRA PEÑA LINDSAY

ATTEST:


CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY


VILLAGE ATTORNEY